

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA et al., )  
Plaintiffs, )  
v. ) Civil No. 21-11558-LTS  
AMERICAN AIRLINES GROUP INC. and )  
JETBLUE AIRWAYS CORPORATION, )  
Defendants. )

**ORDER ON PLAINTIFFS' MOTION TO ADMIT CERTAIN EXHIBITS (DOC. NO. 266)**

October 21, 2022

SOROKIN, J.

The plaintiffs have moved to admit fifty “selected exhibits” as part of their case-in-chief, all of which appeared on their list of trial exhibits but none of which were offered during witness testimony.<sup>1</sup> Doc. No. 266. Each of the exhibits is subject to at least one of three categorical objections the defendants have asserted throughout these proceedings: hearsay (where the exhibit contains statements by third parties who are not employees or agents of a defendant); relevance (where the exhibit relates to periods of time that the defendants view as stale and irrelevant); or authenticity (where the exhibit is derived from a file maintained in connection with a previous government investigation). See generally id.; Doc. No. 266-1. As the plaintiffs point out, similar exhibits have been offered and admitted during the trial either because the defendants have withdrawn their objections or because the Court has overruled them. The

<sup>1</sup> The motion lists fifty-two exhibits, but the defendants correctly point out that two of them have now been used and admitted during witness testimony. See Doc. No. 277 at 2 n.1.

defendants oppose the motion, standing on their objections unless and until the documents are presented to the Court through a “sponsoring witness.” See generally Doc. No. 277. The defendants advance no developed argument as to any specific exhibit beyond pointing to examples of each categorical objection they already have asserted.

After review of the papers and the exhibits at issue, the Court ALLOWS the plaintiffs’ motion (Doc. No. 266), OVERRULES the defendants’ objections, and ADMITS the exhibits listed in the Appendix to the motion (Doc. No. 266-1). The admission of these exhibits is subject to the same rulings the Court made regarding similar exhibits admitted during trial. In particular: 1) to the extent the exhibits contain statements of third parties, such statements are not admitted for the truth of the matters asserted; and 2) though the relevancy objections are overruled, by admitting the documents the Court is not “conclusively deciding that all of this material is actually relevant and weighty,” Bench Trial Tr. Day 6 at 34.

One final point bears emphasis, and it applies to these exhibits as well as to the batches of exhibits the parties offered for admission by agreement at the start of the trial. The Court does not anticipate placing any weight on an exhibit unless it has been explored with a witness during testimony offered at trial and/or meaningfully described or relied upon in any party’s post-trial submission.

SO ORDERED.

/s/ Leo T. Sorokin  
United States District Judge